The PEOPLE'S POLICE REPORT #17

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PORTLAND POLICE EXECUTE MAN IN LOW-INCOME HOTEL

news/commentary by Dan Handelman

Accounts of man shot by police clash

■ Friends of Peter C. Gilbaugh, a successful used-car salesman who lived modestly, remember him as friendly and respected, not belligerent

By PETER FARRELL
of the Oregonian staff

By day, Peter C. Gilbaugh enjoyed business lunches, a successful job and the occasional round of golf.

On his way home, he'd drop his clothes off at a friend's house, take MAX to downtown Portland and walk in Burnside Street, where he lived in a tiny furnished room in low-income housing with a bathroom down the hall.

On Dec. 31, he died there, shot to death in a late-night struggle with police.

He died on the last day of what had been an excellent year for him in the used-car business, a year in which he earned about $35,000.

But times hadn't always been so good several years ago, he bottomed out.

He had run-ins with police and was convicted of driving and harassment charges, almost all alcohol-related. Then his mother died in 1992, leaving him distraught and with no place to live. In 1993 and '94, he was convicted of drunken driving twice in six months.

Left with no driver's license and no home, he moved in 1996 into the Helen M. Swindells Building at the corner of Burnside and Broadway. The building provides single-occupancy rooms to people with little money.

About 3 a.m. Dec. 31, two Portland police officers knocked at Room 320, hoping to talk to Gilbaugh. A neighbor had called complaining that he caught Gilbaugh urinating on his door.

Please turn to GILBAUGH, Page D12

Peter Gilbaugh was killed when a Portland Police Officer put a gun to his head and shot him. The 44-year-old used-car salesman was apparently engaged in a struggle with two officers at about 3 AM on December 31. The police had come to the low-income hotel where Gilbaugh lived to investigate a complaint that he had urinated on another tenant's door.

According to the January 22 *Oregonian*, the female officer on the scene, Stephanie Rabey, had been *"slammed into the wall at least twice during the struggle."* This was toned down from the January 1 *Oregonian*'s statements and video on several TV stations of broken sheet rock saying that Rabey's head had been rammed through a wall in the hallway.

The TV news and grand jury evidence presented a muffled audio clip which is allegedly Rabey crying out "my gun!" while Gilbaugh wrestled with her. The police used this audio clip—a police radio recording which makes one wonder who was pressing the transmit button—to explain why Officer William Balzer put his gun to Gilbaugh's head and shot. He was afraid Gilbaugh was attempting to get Rabey's gun. Balzer was cleared of criminal wrongdoing by the grand jury.

One chilling detail comes from the *Oregonian*'s report on the grand jury testimony—that *"Balzer shouted a warning to Rabey that he was going to have to shoot Gilbaugh, who was also striking out at him...Rabey said something like 'I know.'"* This means the officers had time to discuss killing Gilbaugh, even if briefly. This exchange, combined with the facts that the officers are agents of the state and that the Grand Jury refused to indict Balzer (a legal license to kill, albeit afterward), leads some of us to conclude that this was a form of execution.

Even if we are to believe that two trained police officers were unable to physically restrain one mildly intoxicated man (Gilbaugh's toxicology report indicated an alcohol level just over the legal limit for driving), there is still that haunting phrase the police like to use—that they "have to shoot." But there is *always* a choice.

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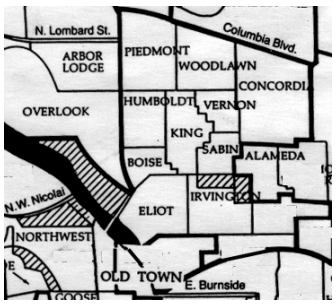
DRUG-FREE ZONES TO EXPAND



Once again the drug-free zones are being modified. There are currently four drug-free zones (DFZs) in Portland: Downtown/OldTown, the inner Eastside, Alberta and Beech. The zones in North-Northeast are in the process of expanding to include the neighborhoods of: Alameda, Arbor Lodge, Boise, Concordia, Eliot, Humbolt, Irvington, King, Overlook, Sabin, Vernon and Woodlawn. If arrested for a drug offense in a drug-free zone, you can be forced to agree to keep out of that part of town or any other DFZ for 90 days as a condition of pre-trial release (see *PPR* #12). This is basically a punishment for people suspected of, but who have not been convicted of, a crime. Those convicted are automatically excluded from the DFZs. Once a person is excluded from a drug-free zone, they cannot enter a DFZ for any reason unless they obtain a variance. Variances are issued at the discretion of the police and can be obtained at local police precincts, which coincidentally are in the drug-free zones. Without a variance, people can be charged with criminal trespassing. Prosecuting these trespassing cases potentially costs the state thousands of dollars and fills up jails, only to release people back into the drug-free zones.

Portland Observer

THE PROPOSED NEW NORTHEAST

Drug Free Zone Shrinks, Encounters Opposition

The last expansion of the drug-free zones which created the Alberta and Beech areas was in 1997 (see *PPR* #11). According to an article in the March 3 *Portland Observer*, some of the proposed drug-free zones may be reduced due in part to community opposition. Irvington and Concordia recently voted against the drug-free zones. Even the communities voting in favor of the zones are not unanimous. The Sabin

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EUGENE COPS: MORE OUT OF CONTROL THAN PORTLAND?

The pepper-spray death of a mentally challenged citizen; the handcuffing of a teen's parents for a house search prompted by a fingerprint found on a protest sign; the harassment of anarchists including the photographing of patches worn on clothing; the demanding of civilians' social security numbers; and the second mistaken police stop of an African-American professor—all since September 1998—lead us to question if Eugene, Oregon's police may, for now, be more out of control than those in Portland.

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PORTLAND POLICE INCREASE POLITICAL REPRESSION

December 16th: As Congress began debating the impeachment of President Clinton, U.S. bombs began landing on Iraq. Portland activists responded to this situation by organizing an emergency antiwar demonstration in front of the Federal Building.

Some of the protesters marched over to a "Don't Impeach Clinton" rally a few blocks away, causing concern, getting media attention. Afterwards, as protesters tried to leave the rally, Portland horse cops followed them through the downtown area. Several protesters were forced to walk in circles for about a half an hour before the cops finally gave up. When the cops were asked if they didn't have something better to do with their time, they responded that they were "being paid by the hour."

The Long, Shadowy Arm of the Law: KOIN-6 shows two cops kneeling on a protestor in custody at the Dec. 17 demo.

This unprofessional behavior on the part of the PPB foreshadowed their extreme overreaction to civil disobedience at the protest on the following day. As hundreds of demonstrators gathered outside of the Federal Building, several people decided to link arms and block the road. Riot cops immediately appeared on the scene. One protester was grabbed by the hair and dragged to the ground, where he was placed under arrest.

The cops began to seal off the area around the Federal Building and to bring in reinforcements. The demonstrators, feeling entrapped by the cops and desiring to make their message heard, decided to start marching, eventually heading towards Pioneer Place, the heart of the shopping district of downtown Portland. Before the cops could get there, hundreds of demonstrators entered the mall and began chanting "bombs are dropping while you're shopping." After about 5-10 minutes of mall occupation, the protesters returned to the street to find a hoard of cops awaiting them. The demonstration moved on to the "living room of the city," Pioneer Courthouse Square.

As the demonstration came to an end, the police gave a dispersal order and grabbed random people who remained. It soon became clear that it didn't matter whether the demonstrators were on the sidewalk or in the street, or whether they had done anything. Over the course of the night at least 25 people were arrested. Back in the Central Precinct, police asked protesters for information about the "leadership" of the group, as well as questions about their previous political involvement and their likely future political involvement.

Police horses crashing through lines of protesters were so alarming, not just local stations like KOIN, but even CNN carried footage of Portland's December 17 demo.

The protesters were released early in the morning after being held overnight. As this article goes to press, there is some confusion over what exactly is happening with everyone's cases. The twenty-plus lawyers who have donated their time and energy to working on this issue know of 23 cases, while the police press release states that 25 were arrested. In some of these cases the police have already dropped the charges. The lawyers have asked the judge to consolidate the remaining cases. However, at least one protester has been fined $300 for "disorderly conduct," and the lawyers have not been in touch with this person or anyone else who has already been fined.

The violent behavior of the PPB mounted police towards protesters continues unabated. At a recent demonstration, the horse cops pushed a Peace and Justice Works activist up against the wall, but he was able to escape injury. The horses, who face extremely exploitative and cruel treatment themselves as police vehicles, are used at these demonstrations to kick people and push them around.

We must call for an end to this kind of police involvement in political repression. In theory, citizens should have every right to protest without the fear of police retaliation. These horse cops that are showing up at every single demonstration downtown should take some classes in conflict resolution and learn some respect for the people they are supposed to be "protecting," instead of following them around, videotaping them and arresting them for no reason.

Copwatch has heard that an undocumented Malaysian woman was arrested at the protest. She may have been deported. If you have any information about the fate of this woman or any of the other arrested protesters, or if you want to support the "Portland 25" somehow, please call Peace and Justice Works at 236-3065.

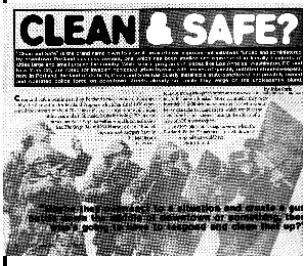
RETIRED PORTLAND COP WEIGHS IN ON DEMONSTRATIONS

Duke Smith, retired, wrote a completely bizarre tirade about protesters in February's* Rap Sheet. *His piece is apparently in reaction to the December arrests of demonstrators at the protest against the bombing of Iraq, but it's hard to tell. He talks about a protester named "Ludi" hoping for a large turnout of cops, which would draw media attention. He creates a history for "Ludi" having an Uncle Morf who received a ticket and complaining about its unfairness until his death. He fabricates a previous event, at which "Rainbow Pete" another made-up protester, "*collared*" a group of reporters, telling them that a cop "*put his hand on his shoulder and whispered doubts about the legitimacy of Rainbow's birth. Rainbow told of how the officer had then fetched a giant goober from his riot helmet and tried to wipe it onto Rainbow's shirt.*" Smith says that what Rainbow said wasn't true, because he had just gotten out of prison for robbery. (huh?) Duke slams the media, saying that reporters don't care if they make the police look bad because they get to send a message that "*abuse of power will not escape public scrutiny.*" He believes the media are "*truth-twisters [who] could take some cactus-face geek, with the personality of a meat market camel, and make millions of people think he's a saint.*" Duke believes the protesters and the media's collaboration works like this: "*It is the journalists who stick around the longest, and they have proven to be the protesters' best allies. They can cook up a story that is worth months of follow-up reports.*" Incidentally, we know of no follow-up stories since the December Iraq demonstration arrests.

DOWNTOWN CLEAN & SAFE: A HAVEN FOR UNSAFE COPS?

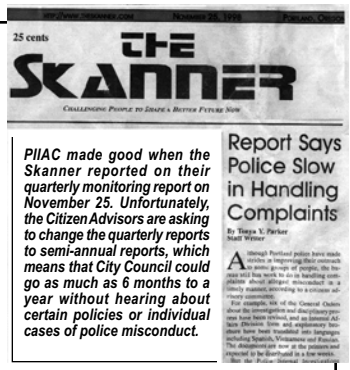
Portland's Downtown Clean & Safe patrol officers are scary, and we're not alone saying that. The December *Anodyne* magazine investigates a July 1998 incident involving the dubious downtown business association's private police force beating on skateboarders and onlookers (see *PPR* #15). The mostly arts-oriented 'zine discovered dirty secrets of the downtown rent-a-cops.

Anodyne reports the Clean & Safes deputized by the Sheriff a few years ago were forced to return the badges after deputies filed a grievance. Former Portland Police Officer Barry McCain, who was fired for having sex with a stripper while on duty, was hired for patrol duties by the Clean & Safe program. (McCain is now a Milwaukie Police Officer.) Even the Portland Police Association doesn't like the program, and feels that the private Patrol officers are not "safe."



Apparently, the family of one of the skateboarders may sue the Association for Portland Progress, which oversees Clean & Safe. If so, it would be the first legal challenge to hit the program. Perhaps it will also prevent future abuses.

PIIAC'S CITIZEN ADVISORS RUNNING ON "BARE BONES"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THE SKANNER

Report Says Police Slow in Handling Complaints

By Tonya V. Parker
Staff Writer

Although Portland police have made strides in improving their outreach to some groups of people, the bureau still has work to do in handling complaints about alleged misconduct in a timely manner, according to a citizen advisory committee.

For example, six of the General Orders about the investigation and disciplinary process have been revised, and an Internal Affairs Division form and explanatory brochure have been translated into languages including Spanish, Vietnamese and Russian. The documents are now at the printers and expected to be distributed in a few weeks.

PIIAC made good when the Skanner reported on their quarterly monitoring report on November 25. Unfortunately, the Citizen Advisors are asking to change the quarterly reports to semi-annual reports, which means that City Council could go as much as 6 months to a year without hearing about certain policies or individual cases of police misconduct.

On February 10, exactly one year had passed since City Council promised to create a citizen's panel to look at reforming the City Code which guides the Police Internal Investigations Auditing Committee (PIIAC). Copwatch secured time before Council on the 10th, and member David Lowe testified to request that they take action. Unfortunately, Mayor Vera Katz, whose office houses both PIIAC and the Police Bureau, was absent from Council that day. Nonetheless, the four Commissioners who heard the testimony seemed to get at least part of the message. We reminded them that Chief Moose has chosen to ignore their votes in two cases involving police misconduct, and recommended changes to PIIAC, outlined below.

Meanwhile, the Citizen Advisors are now depleted of any members actually schooled in law. After defense attorney Emily Simon resigned last spring, Judge Randall Weisberg was advised to resign by a board reviewing his pro-tem status as a judge. They felt his sitting on PIIAC was an apparent conflict of interest. It's a shame they didn't call on City Hall to learn that Weisberg was fair and judicial in hearing PIIAC cases, and certainly did not overwhelmingly side with civilians against police.

Nonetheless, the occasional case comes through PIIAC which gets its fair shake. When an African-American resident of Northeast Portland whose attorney had previously filed a complaint to PIIAC came to testify on the first of numerous appeals, the advisors and Sgt. Jeff Barker of Internal Affairs recommended looking at all the cases together, because the civilian was alleging a pattern of harassment. While other complainants have made similar claims, PIIAC has never taken them seriously. Sgt. Barker has since been promoted and transferred, perhaps leaving the case in limbo.

On the other hand, some of PIIAC's Citizen Advisors have become defensive of themselves, the police, and clearly offended at the idea of monitoring police misconduct. In December, Monitoring Subcommittee Chair Bob Ueland criticized Copwatch for our comments in *PPR* #16 stating that the review body had met only two times in six months. "I really resent the way you use this group in your publication," Ueland complained. "Using us to hammer your thoughts home, I don't think is quite right."

Les Frank, one of the two members of PIIAC who have a background in law enforcement, jumped on the bandwagon and demanded to know why there were no bylines on the articles in the *People's Police Report.* (The Copwatch member at the meeting replied, "Maybe we don't have our egos attached to our work.")

Les Frank (left, yes that's his name, not a description) and Bob Ueland (second from left) give Copwatch the third degree at December's PIIAC meeting

Frank also cross-examined a complainant at the January meeting who had refused to speak to police when they questioned him. The man felt that they would have taken anything he said and used it against him. He explained that he had been observing the police interact with another civilian, and he had seen so much misconduct that he had learned to keep quiet from past experience. Although the officer allegedly used insults to try to get the complainant to speak to him, it wasn't good enough for Frank or the other 5 members of PIIAC attending the February meeting. Despite the fact that they did not have a quorum (and didn't even take a vote), they decided to uphold the Police Bureau's finding of no misconduct. There was an exception: Internal Affairs had to send the man a new letter advising him that the officers involved had been spoken to. Though IAD Captain Bill Bennington claims he sent that letter out soon after the February meeting, neither the complainant nor PIIAC members had seen a copy of it.

One other element in PIIAC's ongoing struggle to do good work is that staff person Lisa Botsko has taken a one month leave of absence for personal reasons, but should be back in her office by the time you read this. Despite the Mayor's good intentions in creating a full-time staff person, it is clear that without an assistant staff person for such situations that the burden falls squarely on the volunteer Citizen Advisors. At least they could have another member of the Mayors' staff who knows what's going on to help pick up slack. When the City finally gets a real police review board, we know that there will be adequate staff provisions and stipends provided to board members for time spent serving on the committee.

In March, even Chair Charles Ford noted that the Committee was not functioning up to full capacity. Several seats remain open. If you are interested in sitting on the "review board," call PIIAC at 823-4126 to find out which neighborhood coalitions and commissioners have openings to fill with an appointed civilian.

CURRENT:	***COPWATCH PROPOSAL:***
PIIAC reviews Internal Affairs investigations	***Review board has independent investigators***
PIIAC recommends findings through Council	***Review board's findings are final; Chief can decide whether or not to discipline, but the finding must go on the officer's record.***
PIIAC is limited to IAD appeals and monitoring	***Review board investigates all use of deadly force and death in custody cases; holds hearings on policy issues.***

Portland, Oregon City Council:

1220 SW 5th Ave
Portland, OR 97204

Mayor Vera Katz
Rm 340 Ph 823-4120, fax 823-3588
(mayorkatz@ci.portland.or.us)

Commissioner Jim Francesconi
Rm 220 Ph 823-3008, fax 823-3017
(jfrancesconi@ci.portland.or.us)

Commissioner Dan Saltzman
Rm 230 Ph 823-4151, fax 823-3036
(dsaltzman@ci.portland.or.us)

Commissioner Charlie Hales
Rm 210 Ph 823-4682, fax 823-4040
(chales@ci.portland.or.us)

Commissioner Erik Sten
Rm 240 Ph 823-3589 fax 823-3696
(Esten@ci.portland.or.us)

NEWLY ELECTED POLICE ASSOCIATION PRESIDENT STANDS FIRM: NO MORE POWER FOR PIIAC

PPA President Greg Pluchos made clear that changes to PIIAC will be hard won in the January 1999* Rap Sheet *:

"The PIIAC citizen volunteers are again talking about changing the city ordinance to give PIIAC more power. Those people apparently do not remember the promises that PIIAC proponents made to the public to get them to vote to approve PIIAC. I remember back in the early '80s when the voters of Portland were told that this would just be a 'window in to the Internal Affairs process.' It has already gone far beyond what the voters were told.

While we are busy, we will never be too busy to keep an eye and ear on what is going on with PIIAC. I am familiar with PIIAC and know what it is supposed to do. If they try to bamboozle the City Council, we will be there to keep the Council informed."

DRUG-FREE ZONES

(continued from p.1)

Portland Observer
THE PROPOSED NEW NORTHEAST
Drug Free Zone Shrinks, Encounters Opposition

Community Association voted 33 to 22 in favor of the drug-free zones. One Sabin board member who is against the zones said "those voting did not represent the demographics of the community and do not regularly attend meetings." Some of the Northeast residents are concerned that the zones target people of color and the lower class. Attorney Chris Larson asked the *Observer*: "Are we willing to give up our freedom to deal with this threat?"

Drug-free: Zones enhance police, community dealings

The headline in this Jan. 14 Oregonian article pretty much shows where the Big O comes down on Drug Free Zones

We believe Drug-free zones violate the Fourteenth Amendment of the Constitution because people who live in drug-free neighborhoods have the law applied to them differently than those who don't, and therefore do not have equal protection of the law. Not only is different treatment and protection for the privileged unconstitutional, it also enhances the inequality that leads to distrust and resentment towards the police. The only way to have an effective system is to have the people's trust in the system, and the only way to do that is to apply the same laws to everyone.

Either the privileged communities should have to give up some of their rights and we apply drug-free zones to all of Portland (which even Assistant D.A. Jim Hayden has admitted would be unconstitutional) or we should restore disadvantaged communities their equal rights and get rid of drug-free zones entirely.

To find out when City Council will vote on the DFZs call Assistant District Attorney Jim Hayden at 248-3162.

ASSAULT RIFLES IN SQUAD CARS BY AUTUMN

Try to imagine an instance in which the Portland Police Bureau would require 175 assault rifles. Well, the *Oregonian* (January 14) reports that with little discussion or debate, the Portland City Council unanimously approved a contract for the PPB to purchase 175 semiautomatic AR-15 assault rifles from an Arizona-based company. (The Police Bureau actually found the $100,000+ to buy the guns in their budget, so the contract approval was a mere formality. See *PPRs* #14&15 for background.) According to the article, the weapons will be in police squad cars sometime around fall.

The AR-15s are cousins to the military M-16, which strongly calls into question their appropriateness for an urban setting. Police respond by arguing the need to be better equipped against criminals armed with more sophisticated weapons. However, criminals that use weapons usually choose one that is easily concealable, and police rarely encounter criminals who are armed with assault rifles. Nonetheless, law enforcement including the PPB always refer to the 1997 shoot-out between the LAPD and bank robbers armed with assault weapons to illustrate that today's police are "out-gunned."

PORTLAND EXTRA
Weapons will boost firepower for police

There are several risks to using the AR-15 in an urban setting. The police like these rifles because of their long range capabilities; but this is precisely why they should be used with more care. The .223 bullet the AR-15 fires has significantly more penetration than 9mm bullets used in the police standard issue Glock handgun. This means there is a good chance that the .223 will continue to pass through its target. This could put innocent bystanders in harm's way. Besides, police normally operate at only a short distance when shoot-outs occur, not the hundreds of yards that this rifle allows. Another danger that comes with the new acquisition is the high capacity 20-round ammunition clips that are part of the deal. Police were first issued pump action shotguns was because in high stress situations each shot had to be manually pumped into the chamber to fire the round. This would prevent police officers from unnecessarily discharging their firearms at a target that is no longer a threat. With the new weapons and clips, the policeman under stress is more likely to inflict heavy damage to suspects and bystanders without much opportunity to pause and think.

The purchase of these AR-15s is an unnecessary expenditure which poses more risks than it solves. The very idea of policing with military-style weapons tends to alienate even more those who already view the police as an occupying force in their community.

MIXED REVIEW ON SHERIFF'S JAIL POLICIES

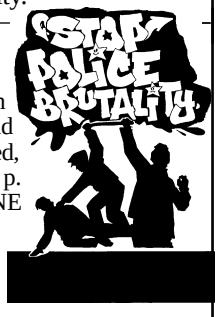
A grand jury of seven civilians commended Sheriff Dan Noelle's ending the pattern of early release due to overcrowding, according to the January 13 *Willamette Week*. The fact that Noelle accomplished this through the practice of double bunking inmates despite its questionable legality (see *PPR* # 15&16) didn't seem to matter much to the panel. The panel went even farther to say that there needs to be even more jail space, something Noelle has been asking for. The rationale was that now that there was more space to put inmates, judges would be assigning longer sentences. And Portland's 80 new police officers will probably cause an increase in the number of arrests.

Despite the panel's emphasis on enforcement and punishment, rather than prevention and rehabilitation, they did notice that there were serious problems with the prevailing tendency to treat the mentally ill through the correctional, rather than medical system: "*This report can not emphasize in strong enough terms that the state's responsibility for treatment of the mentally ill has not been met.*"

JAIL BREAKS

Unfortunately, they didn't seem to make the connection that the Sheriff and the corrections department keep asking for more jail space to house people who might never end up in the system if there were treatment programs available.

COPWATCH HAPPENINGS



Copwatch has continued its efforts to promote police accountability over the last few months. In addition to a copwatch training at Reed College, we held three "Your Rights and the Police" Seminars, one at Reed, one for bicyclists at the Activist Resource Center (see p. 8), and one at the King Neighborhood Facility in NE Portland. Portland Copwatch is currently meeting separately from Reed Copwatch at that facility.

Individuals who were coming to meetings of the coalition which formed to organize the October 24th march ("Communities United to Stop Police Repression," or CUSPR) kept wondering why CUSPR and Copwatch were different. For the time being, the Coalition CUSPR is not active, but Copwatch continues to promote the same values expressed by that group. We hope to see the coalition come together for emergency demonstrations and, perhaps, another march this fall.

DICKIE DOW'S FAMILY FIGHTS FOR JUSTICE; PORTLAND POLICE HAVE LITTLE SYMPATHY

Accounts of man's death in custody don't agree

The family of Richard "Dickie" Dow, who died after eight police officers beat, pepper-sprayed, handcuffed, and piled on him, continues to hold vigils in Dickie's memory. The vigils have occurred monthly since Dow's death on October 20. While the family has retained an attorney and continues to remember Dickie publicly, no new information on the case has come out since the grand jury cleared the officers of criminal wrongdoing in November.

What is interesting is the sentiments of numerous Portland Police officers, who were generous enough to share their thoughts in the December issue of the Portland Police Association (PPA) newsletter, the *Rap Sheet.* Phil Blanchard writes "*You say you love us but you don't.*" He complains that the Nov. 14 *Oregonian* headline read "*Grand Jury returns no indictment in death.*" He refers to the incident as "*the unfortunate death of a man who died while in police custody from positional asphyxia, after a fight that required eight officers to arrest him.*"

Blanchard feels offended that the thrust of the *Oregonian* article is that although they were cleared of criminal charges, the officers did something wrong, "*and there was still a chance for the public to exact their revenge on them.*"

Tom Mack, the Secretary Treasurer of the PPA, says he wants to "*reaffirm confidence in the officers involved in the recent in-custody death which occurred in North Precinct. After the media speculation and lynch mob mentality were put to rest,*" the investigation concluded the officers' actions were justifiable, Mack notes. "*Certainly we would like to find another way to control violent and uncooperative suspects that doesn't result in death or injury, but no one seems to have come up with a viable alternative to controlling people when they are in these states of mind. The truth of the matter is that Mr. Dow and his family were always in a position to comply with officers' directions and had they done so no harm would have come to Mr. Dow during this incident.*" And if police had listened to the parents, who were explaining Dickie's mental health condition, this wouldn't have happened either.

Mark Romanaggi writes "*Let's really do some community policing.*" In his opinion, the news coverage of Dickie Dow's death was "*sensationalized to make Dow appear as a helpless victim at the hands of the police.*" His main complaint is lack of support from Mayor Katz (who said "*It is extremely important that none of us—city officials, police, citizens or the media—jump to conclusions before the facts are fully known*" [*Oregonian*, 10/21/98]) and Chief Moose (who said, "*I want to stress there is no indication of any intent of malice by any officer involved*" [*Oregonian* 10/23/99]). Romanaggi says (wrong-headedly, in our opinion) that the Chief is afraid to speak out against the Mayor for political reasons, since he is appointed by her. Anyone following police issues in this city knows that it is the Mayor who bends over backward to keep from pissing off the Chief.

In any case, Romanaggi suggests an interesting solution: A change in the city charter to hire the chief via a Police Commission, allowing the Chief to be accountable to the city as a whole. This is something worth considering, though like a police review board, it would have to be a police commission not made up primarily of people with direct ties to the police.

In summary, Tom Mack quotes a Charles Webb, Ph.D. of California State University, as saying that people hire police to "*do the dirty work of protecting us...to keep the bad guys out of our businesses, cars and houses, out of our face. We just don't want to see how it's done.*" That's a chilling thought. Let's take a look at how it's being done, and be sure it's something we'd feel comfortable having inflicted on ourselves or our families.

To get information on the monthly vigils, e-mail justiceinc@uswest.net or call (360) 576-0634.

NON-LETHAL BEANBAG ROUNDS, UNARMED AFRICAN-AMERICAN PROTESTERS: AN UPDATE

Since the bravura performance by Police Chief Moose at City Council in November, when he jumped track from responding to recommendations of the African-American Advisory Council (AAAC) to a tirade against living in Northeast Portland (see *PPR* #16), there have been few developments in the August 17 beanbag case.

In the early morning of Saturday, January 16, the AAAC held a public forum for input about the incident. While the hearing was an excellent idea (and the result of requests made at the November 1998 meeting of the Council) the turnout was less than stunning. There were as many reporters as people who came to testify—about five of each.

Police Panel Seeks Public Testimony
Subcommittee wants to hear about summer party demonstration

Torn police relations resist repair

The word went out via a press release in very late December, a month during which the AAAC did not meet. It was only announced (as far as we can tell) in the January 6 *Skanner*. The January 17 *Oregonian* report on the hearing played up tensions between the City, Moose, the police and the "*largely minority community*" in Northeast Portland.

The bright side is that every person who testified recommended an independent police review board, and the AAAC seemed to take that to heart for their final report to City Council. It is unclear when that report was or will be filed, and whether it will result in any changes.

One idea rattling around here at Copwatch is to call a meeting of the various round tables: the Asian Law Enforcement Advisory Group, the Hispanic Advisory Council, the Sexual Minorities Roundtable, the African-American Advisory Council, the East Precinct Youth Council, and the Developmental Disability Advisory Group. Rather than a setting like the Chief's Forum, which is more like a police appreciation show-and-tell, these groups could gain a lot by sitting down together to find common ground.

Meanwhile, Kendra Rosser, the woman whose baby was snatched from her by the police on August 17, announced that an attorney had filed a claim against the city of Portland for unlawful arrest and detention (*Skanner*, March 3). While Rosser's trial on criminal charges (disorderly conduct, resisting arrest and criminal trespass) is pending at *PPR* deadline, we will be interested in seeing the outcome of the tort claim. (A tort claim is the first step in filing a lawsuit, but requires no action on the part of the City.) The March 3 *Skanner* reports Rosser says she "*has nightmares, continues to seek medical treatment for an injured arm and still feels humiliated because police publicly arrested and [pepper-sprayed] her...[she] also has had to endure juvenile court proceedings to get back her infant son.*"

The African American Police Advisory Council meets on the fourth Tuesday of every month at 5:30 PM in Northeast Precinct on Killingsworth and MLK.

POLICE IN OREGON -- OPEN SEASON ON CIVILAINS?

POLICE EXECUTE MAN

(continued from p.1)

Accounts of man shot by police clash

The situation described is that Gilbaugh was on top of Rabey, who was lying face-down on the floor. Balzer was apparently on top of this pile. If he was at such close quarters, why could he not have reached for Gilbaugh's hand, which was allegedly grabbing Rabey's gun? Why did he not try pushing Gilbaugh off of Rabey? It seems the choice to use lethal force—and yes, there was a choice involved—resulted in a panicky extrajudicial execution along the lines of the five New York officers who shot at an unarmed African man 41 times (see p. 11).

There is an interesting twist to this, the second death directly resulting from a police shooting in 1998, though at least the fourth death related directly to Portland Police actions*: The *Oregonian* printed a somewhat sympathetic portrait of the victim in their January 19th Metro section. We have been publishing this newsletter for over five years and this is the first time there has been any effort by a mainstream media source to actually write about the victim of a police shooting as though they were more than someone with a police record, someone who deserved to die, or at best, someone whose death was a logical outcome from their own actions.

> ***In the March* Rap Sheet, *Loren Christensen printed an e-mail exchange he had with Farrell about the Gilbaugh article, wondering if it was a "purposeful attempt to prejudice readers against the police."***

The article, by Peter Farrell, states that "*people who knew Gilbaugh as good-natured have trouble believing he would have attacked police.*" Lee Leslie, his sales manager, described him as someone who "*commanded respect...he could talk to the owner of a company or a bum on the street.*"

Gilbaugh was apparently living in the Swindells Building on SW Broadway near Burnside because he had lost his driver's license after two drunk driving convictions, and his mother, whose home he had lived in, passed away. He volunteered at a homeless shelter downtown one winter in place of selling used cars, a job he is described as being very good at.

Meanwhile, we hope to hear more about this case than what came out at the grand jury. As we know from the past, the District Attorney, whose job depends on cooperation with the police, presents all the information the grand jury hears when they decide whether to indict a criminally suspect police officer. Since the only Portland officer ever to be charged in a shooting was off-duty cop Steven Sims, who shot his mistress' husband in 1969, we hope that the Gilbaugh family will find justice elsewhere.

*1) Aaron Rahmaan was shot in the head and killed on January 26. 2) Brian Penton died in police custody June 1 after being pepper sprayed, handcuffed, and being placed face down. He had stripped off his clothes and run down the street. 3) Richard "Dickie" Dow died October 19, the morning after being pepper sprayed, handcuffed, placed face down, and piled on by eight officers. He had allegedly had a fight with a school police officer (see update, p. 5).

POLICE SHOOTINGS AROUND THE STATE

Clackamas Deputies Shoot, Wound Suspect In SE Portland

On December 9, Clackamas County Sheriff's Deputies shot a fleeing suspect in the back. Ikechukwu Nwaekwe, age 24, was wanted for questioning in the shooting of his former girlfriend and her mother. The shooting occurred in southeast Portland, apparently out of the jurisdiction of the deputies. The December 10 *Oregonian* notes that "*Portland Police Bureau detectives are investigating the shooting as a case involving the use of deadly force.*" The grand jury which (big surprise) cleared the deputies of criminal wrongdoing was in Multnomah County. This is unusual, though you wouldn't know it by following the mainstream media—police officers facing possible criminal charges in another jurisdiction.

As of January 5, the *Oregonian* reports that Nwaekwe was recovering from the gunshot injuries to his lower back. Neither article mentions whether the suspect was armed, though the grand jury apparently found that both deputies shooting at him was "reasonable force."

Bend Police Shoot and Kill Young Man

Bend Police shot and killed Adam Gantenbein, age 21, on Thursday, February 18. Officers Albert Campbell and Mike Hartman fired on Gantenbein after he allegedly rammed two police cars with his Jeep in an attempt to evade the officers. This attempt at evasion came at the end of a brief car chase. While the officers might have been acting in the interest of their immediate self preservation, this is another case in which police behavior has resulted in the death of a civilian who was initially guilty of a small crime. A grand jury cleared Campbell and Hartman of wrongdoing, but Gantenbein's parents are pursuing a private investigation. (*Oregonian*, 2/19/99 and 2/28/99)

Lane County Trooper Kills Elderly Man Who Pulls Rifle at Drunk Driving Stop

> ***PORTLAND PB SHOOT SUSPECT IN GRESHAM COP SHOOTING***
>
> ***In mid-March, Gresham officer David Snider was shot at a traffic stop. Portland Police pursued the suspect, Quinton Keppinger, and shot him after a 3-hour standoff. The* Oregonian *(3/16/99) reports that one of the three bullets in his head, cheek, and leg, may have been Snider's.***

Sixty-four-year-old John Free of Philomath was killed by an Oregon State Trooper on Saturday, January 23, during what started as a routine traffic stop in Lane County.

Trooper James Hawkins stopped a truck driven by a woman early that morning, suspicious that the driver, Mrs. Elle Free, was intoxicated. Police found the woman was, in fact, drunk, and attempted to place her under arrest. Free's husband then got out of the car brandishing a rifle. After being ordered to drop the weapon, Free apparently fired one round toward Hawkins, who responded by shooting him three times, at least once in the head. Hawkins was cleared by a grand jury for his actions. (*Oregonian* 1/24/99 & Associated Press, 1/28/99)

SHOOTER COP RE-INSTATED; PPA FIGHTS TO GET BACK-PAY

SHOOTER COP INDICTED
The Oregonian
Police officer pleads not guilty

As reported in *PPR* #16, Sgt. Michael Barkely was acquitted on criminal charges of theft in October. Tom Mack, Secretary-Treasurer of the Portland Police Association, had a special message for the community in the December *Rap Sheet*: "*To all of you who took part in this, I hope you feel the shame you should for the injustice you caused Sgt. Barkley and for the pain and suffering you caused his parents.*" Reminder: Barkley is a shooter cop who has participated in killing at least three civilians in a hail of bullets; the judge in the case in question said that although there was not evidence to convict, it was clear that Barkley had lied to investigators and misled the family whose money he was accused of stealing.

In January's *Rap Sheet*, Mack reports that the city and Barkley differ on whether he is entitled to back pay or not. The City is claiming Barkley chose "voluntary leave" while he was being investigated; Mack quotes a Police Bureau document stating "*Pending the resolution of criminal proceedings, you will be placed on administrative leave without pay or benefits.*" Quite frankly, we're glad not to have footed the bill for Barkley while he was being investigated, but we hope the City is not engaging in dishonest labor practices.

...UPDATES ON OTHER SHOOTER COPS AND CASES OF NOTE

ANOTHER PORTLAND POLICE SHOOTING (MAY '98)

Last issue, we reported that Officer Rich Braskett had been called on the carpet for being involved in two police shootings within twelve months. We knew that Braskett and Officer Doug Matthews were responsible for killing Aaron Raahman on January 26,1998, but we only recently learned that he and Officer Randy Tieg also shot at 22-year-old Danyale Gill on May 23rd.

According to the January 14, 1999 *Oregonian*, which reported on Gill's criminal trial, Gill was apparently pulled over for failing to signal turns when officers "*noticed crack cocaine crumbs on the seat of the car.*" When they asked him to get out of the car, he refused and sped off. The police version of what happened is that Gill fired his gun at Tieg at close range (somehow missing him), shooting a total of seven shots. Braskett fired two times, Teig nine, with only one bullet hitting the suspect. The article in the *Oregonian* did not speak to Mr. Gill's health except to report that a psychologist referred to him as a "*psychopath with a lack of remorse*." Gill was sentenced to 44 years in prison.

METRO/NORTHWEST

Portlander who shot at police gets 44 years in prison

The outcome of Braskett's internal review is unknown.

Last October 24, Copwatch created a timeline of police actions in 1997-98 for the March Against Police Brutality which left out this incident. We apologize for the omission.

FALLOUT OF STEPHEN DONS CASE

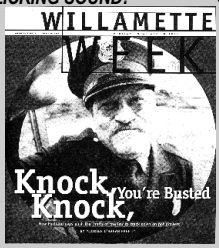
Suspect in police shooting found dead

Officer dies in raid

In late December, Jefferey Moore was sentenced to four years in prison for production of a controlled substance and three counts of possession of a controlled substance. This sentence is unusually heavy, but the sentence is unsurprising, considering that he was Stephen Dons' roommate at the time that Dons allegedly killed Officer Colleen Waibel. Waibel died during a botched raid on Dons and Moore's home, and Dons died under mysterious circumstances while in prison a month later (see *PPR* #14). Moore was at work when the raid occurred, so it is clear he had nothing directly to do with the officer's death. Even the *Oregonian*'s report implied that it appears that he is being punished for the actions of his roommate; he was charged only after Dons died.

On January 25, the *Oregonian* commemorated the one-year anniversary of the killing of Officer Colleen Waibel during the botched "knock and talk" raid on Dons' house. The article paints the officers as unwitting victims of an unprovoked attack by Dons. It cuts soap-opera-style between the incident and recollections from her husband (also a police officer) and work partners. While it is tragic that Officer Waibel died and other officers were injured, we must remember that they did so in the line of some rather dubious duty.

WHAT'S THAT FUNNY CLICKING SOUND?



The practices of the Portland Police Marijuana Task Force are coming under legal scrutiny. It appears that the Task Force has maintained a secret caller ID device on the telephone of American Agriculture, an indoor gardening supply store in SE Portland (*Oregonian*, March 9 and *Willamette Week[WW]*, March 10). The store sells grow lights that can be used to grow tomatoes and other vegetables...or marijuana. The police used the phone number to develop a list of homes to visit. The uncertain legality of this phone trace directly imperils hundreds of marijuana grow cases and may mean that police would have to give back hundreds of thousands of dollars of assets they have seized. It also means that the "knock and talk" performed at Stephen Dons' house that led to the death of a police officer may have been the result of a tainted trail of evidence.

Fourteen criminal-defense lawyers are claiming the task force has illegally gathered the evidence to indict their clients. While putting the tap on the phone was legal, it can technically only stay on for 30 days before being reviewed by a judge. The tap has been renewed for at least three years. Multnomah County Judge Michael Marcus ruled on the attorneys' motions March 16, finding that the Police had to reveal how they were using the gathered information or have the "tap and trace" declared illegal (*Oregonian* March 16/*WW* March 17). The city has until March 29 (after we go to press) to fess up or pull out.

OFF DUTY OFFICER CLEARED IN SHOOTING AT FOOTBALL GAME

As reported in *PPR* #16, an off-duty Portland Police officer was involved in a shooting outside a Sandy High School football game. The December 30, 1998 *Oregonian* reports Officer John Keuchler has been cleared by a grand jury. "*The grand jury found Officer John Keuchler used reasonable force in a dispute September 11 with Travis C. Hunt and Douglas P. Thiebault,*" said Matt Mattox, Clackamas County Assistant District Attorney.

Since the shooting, Keuchler has been promoted to Sergeant

Apparently, Keuchler stated that he acted in self-defense when he tried to help other people who were being attacked. Keuchler claimed to have identified himself as a police officer but the man still turned on him. The *Oregonian*'s article is unclear as to whether the man was Hunt or Thiebault and what was actually happening between the individuals involved in the altercation, though it is clear Hunt ended up being shot in the neck. The real question is, what power and authority does an off-duty police officer have? If you are going to get involved in an altercation to help someone, does that mean we should all carry guns and claim self-defense?

This officer was with family at a football game, and got involved in someone else's fight, finally drawing his weapon, rather than de-escalating the fight. Could police training that placed less emphasis on the use of weapons have created a different outcome? If Keuchler had been a regular citizen and not an off-duty officer, would Hunt have been shot?

LARRY ANDERSON'S HOUSE BURNS

Larry Anderson, whose four dogs were shot in a police raid on his house last October (see *PPR* #16), has had another stroke of bad luck. In mid-January, his house burned beyond repair. According to the January 14 *Oregonian*, firefighters arrived early in the blaze, but were unable to fight effectively after a propane tank exploded, injuring one.

His house rested on land the county sought for construction of a new health clinic. The property was also where a police officer was killed in a 1979 incident ruled justifiable because the police had an invalid warrant when staging a raid on a motorcycle club.

After the fire, Anderson finally broke down in his long-standing refusal and sold the land to the county for $180,000 (*Oregonian*, March 9). Perhaps, now that he is moving away, the police will cease their harassment of Mr. Anderson.

Holdout on Lombard sells to county

(see "Rapping Back" on p. 10 for more info).

MASS ARREST DURING CRITICAL MASS RIDE

The November 27 Critical Mass ride was met with a stiff police presence that included several squad cars, bicycle police, an unmarked surveillance van and a Tri-Met bus set aside for mass arrests. The unusual police massing may have been called to protect downtown shopping from Buy Nothing Day actions going on the same day.

The ride began with a policeman warning the group that there would be no tolerance for law-breaking, mis-informing riders that a light was required on the rear of their bicycles. (Oregon law only requires a rear reflector. For more info, see the Bike Riders' Bill of Rights & Responsibilities in *PPR* #16) As a result, the group rode over to CityBikes where dozens of riders outfitted their bikes with lights for night riding. Then the ride turned to Pioneer Square for the lighting of the Christmas Tree. The surrounding area was packed with thousands of pedestrians and gridlocked motor traffic but cyclists moved freely.

URBAN PULSE

Who's the real turkey in the post-Thanksgiving showdown between police and bike activists?

Yanking Their Chains

In an action that suggests that cyclists were scapegoated for a preexisting traffic clot, police arrested 18 people. Several of the arrestees were standing next to their bikes on the sidewalk at the time of their detention. Being next to a bicycle became sufficient cause for arrest.

The 18 were charged with disorderly conduct, handcuffed, boarded onto a Tri-Met bus, and were released the next morning. Their bicycles were kept as evidence. Legal representation for the arrested was arranged with the help of the Liberation Collective. The lawyers got the bicycles released after one week. The District Attorney decided not to proceed with the cases, but can reinstitute the charges at any time within a year, keeping the cyclists in legal limbo.

Both the *Oregonian* and the *Willamette Week* picked up the original story, and followed up with several articles. The day after the ride, the *Oregonian* carried the police version titled "*Bicyclists snarl traffic; police arrest 18 riders.*" In the article, Portland Police Lt. Greg Hendricks blamed Critical Mass for the traffic jam and also accused the cyclists of blocking passage of fire engines. There was no mention that the arrestees were handcuffed for hours and the story went to press without interviewing any of the arrestees. The next day's *Oregonian* follow up was subtitled, "*Police say 75 riders in the group's excursion to Pioneer Courthouse Square were blocking traffic, but the bicyclists cite already-slow traffic.*" This article was somewhat more balanced and included accounts of some of the arrestees.

The *Willamette Week* coverage came in two articles that filled in some details the *Oregonian* didn't bother reporting. *WW*'s December 9 article pointed out that the police chose unusually harsh measures, namely arrest rather the more typical citation. The *WW* quoted Stu Sugarman, a lawyer defending some of the riders pro bono: "*In civil disobedience, the cops in my experience try to disrupt the lives of the defendants as much as possible.*"

Also quoted was Garret Richardson, a lawyer with Multnomah Defenders: "*We've seen instances in the past where people have gotten arrested for quasi protests, when they got to arraignment court, the charges were usually dropped down to violations so the people wouldn't have a right to go before a jury.*"

The January Critical Mass ride went smoothly until about 90 cyclists happened upon an auto show at the convention center. The police moved in, attempting to corner bicyclists. As the ride moved away, police used their cars aggressively, hitting one rider and seriously endangering another (ironic, since one purpose of the ride is to increase visibility of cyclists to reduce the risk of being hit by cars). Several police cruisers blocked streets and pursued the riders for several blocks until the ride was stopped. No tickets were given, but in the ensuing dialogue between the 10 police present and the riders, Sgt. Schroeder made the NE precinct's position clear: "Safety is not the issue, following the law is more important."

TARGETING DOWNTOWN BIKES

February was a bad month for downtown bicyclists, and the weather is not included as a factor. With no prior warning, police began serving $300 tickets to bikers for riding on the bus mall. Bike messengers in particular were targeted, and the harassment included such dubious offenses as walking one's bike on the sidewalk. Because of these actions and the PPB's behavior during Critical Mass rides, Copwatch organized a Your Rights & the Police seminar specifically for bicyclists on March 5th. About twenty people came , as well as a local attorney.

Critical Mass rides are on the last Friday of each month, usually 5:30 PM at the maze under the West end of the Burnside Bridge.

Oregon: Five prison suicides in five months

The Oregon prison population of 8,500 averages three suicides per year, but in one five month period five inmates, four men and one woman, took their lives by hanging (Associated Press, January 12). Four of the five were locked up in disciplinary segregation cells. Three of the five inmates had documented histories of mental illness.

The percentage of the prison population assigned to mental health workers has grown from 13.5% to 17.2% in the last year. Gary Field, the Correction Department's mental health administator is perplexed by the recent rash of suicides: *"Not only are we following national standards, I think we are following the most recent recommendations by experts in the field ..."*

Disagreeing, former inmate David Adams thinks the state is not meeting its responsibility to the mentally ill: *"There are a lot of mental cases that are walking around in the general population that they are not aware of...They're not providing proper care. And they're being flooded with those kind of people because there are no other facilities for them."*

While the focus on the mentally challenged is welcome (see Sheriff update on p.4), the discussion is not centering around the two people who were not diagnosed as "mentally ill," and the fact that the rash of recent suicides marks a 400% increase in our state prison system. Copwatch has advocated for a state office to independently investigate all deaths in police custody. These deaths coming in such short succession seem to bolster that idea.

Teen gunshot death after police chase ruled suicide

The February 4 *Oregonian* reports that in the early morning of February 3, a patrol officer on NE 15th tried to stop a car with an expired license tag. The car, driven by 18 year old Sherman Lewis, sped away along NE Lombard and crashed east of 45th Ave. Lewis died on the scene of a gunshot wound to the head; the Multnomah County Medical Examiner reported that it was self-inflicted. Lewis had an outstanding warrant for cocaine possession after an arrest in December.

A relative of the deceased told Copwatch that Sherman was a positive young man who was turning his life around. The family questions whether Sherman Lewis would have ended his own life.

If we accept the official record of suicide, we may ask what could have driven Sherman to a terrible act of desperation? Fear of jail? Fear of the police? A life run out of hope? Even if Sherman pulled his own trigger, his death shows us that the war on drugs is really a war on people.

PDX Police volunteer imprisoned; is robbery suspect

Louie Lira Jr., a Mexican who worked as a "gang outreach worker" in Portland and as a volunteer for the Portland Police Bureau, was sentenced to 30 months in federal prison this March for violating immigration laws in the '80s. Mr. Lira's other alleged crime is more interesting: Federal authorities say he used a police scanner (given to him as part of his volutneer duties) to *"act as a lookout"* while his brother robbed a bank in November. The March 17 *Oregonian* noted that *"in the wake of Lira's arrest and the federal allegations, Portland Police Chief Charles Moose posted a reminder to staff that background investigations must be conducted on all civilian volunteers before they are allowed to work for the bureau."*

Eugene Police Out of Control (continued from p. 1)

Here's some background on the cases we just mentioned:

On September 30, Richard Dennis Lee, age 34, suffered heart failure after being pepper-sprayed by Eugene Police. Lee lapsed into a coma and died a week later. Piecing together parts of the story from the Eugene *Register-Guard* (10/1 & 10/15/98), it is difficult to tell whether Lee's heart failure was in part brought on from positional asphyxia, that is, being laid on his chest after being sprayed, thus restricting his breathing. As reported in *PPR* #16, it is likely this is what caused Dickie Dow's death, as well as over 25 deaths in the state of California.

Lee was apparently screaming and banging his head against the sidewalk in mid-day, and "*became combative with three officers who attempted to subdue him...The initial autopsy showed that Lee was not under the influence of cocaine, heroin or methamphetamine.*"

The story is somewhat familiar, and while Eugene is reviewing their policies in the wake of Lee's death, we cannot stress enough the importance of taking pepper spray out of the hands of police and finding different non-lethal restraints.

Black Professor stopped for "looking like a robbery suspect"

John Gainer, a 44-year-old University of Oregon music professor, was stopped and questioned in December as police sought a suspect in a robbery, based on a grainy photocopy of the actual suspect's photo. Gainer, who is African-American, was also stopped by Eugene police in April, 1997 in a mistaken-identity stop. According to the Associated Press (12/29/98), Gainer is an ordained minister who works part-time in the shopping mall where a security guard picked him out as the suspect.

Over 50 activists attended a rally opposing the apparent racist behavior of the Eugene Police. The leader of Eugene's NAACP is quoted in the Dec. 31 *Register-Guard* saying the Valley River Mall "*basically said it's OK for their security to stop a person of color, whether they meet the description or not.*" Police Capt. Roy Brown, who is African-American, defended the two officers who stopped Gainer in December, one white, one black: "*I found no indication that it was a case of racism," he said (Oregonian, 12/31/98).*

Anarchists targeted

Eugene police perform "scene security" as they search the Gicker house.

A mid-October demonstration against the labor practices of Oregon-based corporate giant NIKE left the Eugene NIKETOWN and its surrounding mall with some mild disarray and property damage. Since many of the protesters came with their faces obscured, the police had a difficult time tracking down suspects. They found a fingerprint on one protest sign that was left behind in the store which led them to 15-year-old Brenton Gicker. Apparently, people involved in Eugene's Copwatch program happened by the Gicker house when the police conducted a search there. For several hours, the boy's parents were handcuffed and held at gunpoint. Police seized the mother's computer (which she used for her business), Brenton's high school textbooks, CDs, books, anarchist literature, and a novel called *The Good Terrorist*.

Steve Bouton, a.k.a. Sleeve, of Eugene PeaceWorks, tells us that police also took many items which were not listed on the property receipt they left the family.

Anarchism is a political system based on freedom and mutual cooperation, which frowns on hierarchy and exercises true democracy. As put in the February 1 Oregonian *by Lane Community College political ideology teacher Stan Taylor, "Many Eugene youths are attracted to anarchy because it indicts both capitalism and the liberal democracy that keeps capitalism in power."*

Shortly after this raid, police stepped up their harassment of the anarchist community in Eugene.

Lars Limburg, 20, was stopped by Eugene police in December for a bike-riding offense and was taken downtown, where the cops photographed his clothing, "*particularly various patches sewed on his shirt and jacket that espoused anarchist philosophy*" (*Register-Guard*, 2/1/99).

In similar incidents, two young women from Eugene were asked for their social security numbers when police sought to ticket them for bicycle-riding infractions, one in January, and one during a July 1998 Critical Mass ride. Writing in the January, 1999 University of Oregon *Insurgent*, one of the women wrote, "*It is stated in the 'Privacy Act' (title 5,U.S. Code annotated 552(a)) that in only four instances it's required for you to give your SS#: 1. for tax purposes. 2. to receive public assistance. 3. to obtain & use a driver's license. 4. to register a motor vehicle. Any person aware of the Privacy Act who continues to request your SS# is violating your rights & can be subjected to a $1000 fine.*"

the OTHER paper

Police accountability and reform:

After the election, the campaign[s] go on

In November, the ballot measure that would have enabled Eugene's City Council to appoint a Police Review Board was defeated by about 350 votes. A Police Advisory Committee is being created in its stead—will it be serious about proposing changes to Police policies, or will it be "yes-men" like Portland's Chief's Forum?

She describes the encounter, stating that the officer asked for her ID saying he hadn't decided whether to issue a citation or not. After demanding her SS#, he decided not to cite her. "*I believe the only reason the officer stopped me was to add me to their book of anarchists they so diligently have been working day and night on.*"

The interesting outcome of the harassment of anarchist youth is that both a City Council member, Bobby Lee, and the Eugene Human Rights Commission called for a community dialogue to defuse tension. Sleeve tells us that a forum put on by the anarchist community in Lane County's public building was attended by 70-100 people, went well and was generally positive. The February 26 *Oregonian* reports, "It was unclear if police officers attended the forum."

Meanwhile, some informal meetings have been taking place among bigwigs from the police department and some of the activists. There is quite a bit of distrust in sitting down to talk with police, and the activist community is aware that the meetings might be an effort to co-opt their politics. The situation has brought national attention, including a *Wall Street Journal* reporter who investigated the situation in late February.

We at Portland Copwatch look forward to strengthening our ties with Eugene Copwatch, and hope that we can learn from one another how to organize to find remedies for these kinds of incidents, as well as ways to prevent them from happening here, there, or anywhere.

[Sources include: *Oregonian* 2/1/99, 2/19/99, & The Other Paper, 12/98]

Portland Pays $87,000 in Civil Rights Violation

According to the March 8, 1999 *Oregonian*, the City of Portland has agreed to pay $87,000 out of court in a federal civil rights lawsuit.

In October, 1997, a call to 911 about a kidnapping and robbery prompted police to respond to a NE Portland address. Two officers fired shots at a man who emerged from the house, missing him. They were looking for Robert Acelar, but took his older brother Dale into custody. It seems that when the police arrived, the victim immediately stated that Dale was not responsible for the alleged crimes, but the police still held him for thirteen hours. The police also taped off the area and shot pepper gas into the house, causing damage to the home.

Spencer Neal, the attorney for Dale Acelar and his parents, told the *Oregonian* a settlement was reached in December, on the eve of going to trial.

Siege suit costs city $87,000

The Acelars' case includes a civil rights violation against one son and damage to their home

By Ashbel S. Green
of The Oregonian staff

Portland has agreed to pay $87,000 to settle a federal civil rights lawsuit in connection with an Oct. 17, 1997

Call Portland Copwatch at (503) 236-3065 or visit our website: www.teleport.com/~copwatch

RAPPING BACK

continued from back page

The RAP SHEET
The President's Report
The house at 9014 N. Lombard

In the March Rap Sheet, *editor Loren Christensen devoted the front page to Larry Anderson's house on North Lombard. [Anderson's house was the site where an officer was shot in 1979 and police killed four dogs in a drug raid last October (see p. 7 for more info).] Christensen also lauds the Drug and Vice Team for tricking Anderson out of his house to serve a search warrant, using "*a ruse straight out of a movie (I won't say what it was in case they want to use it again)*." Christensen asserts that although the press "*loved*" Anderson's accusation that police may have started the fire that badly burned his house, "*PPB spokesman Henry Groepper did a good job explaining that such claims were ludicrous*." It's his JOB to cover for the cops--he's a public relations guy. What would he say, "We'll look into that as our first priority"??*

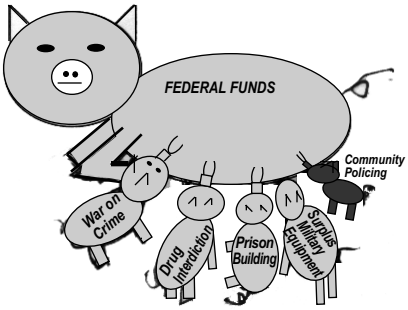
War-Like Community Police *(continued)*

"*Community policing advocates need somehow to incorporate the warlike atmosphere of police work into their mantra so the public can more easily grasp the horrific changes in context that police endure...As (community policing) is weaned off the last federal sow, and as the tongue wagging sycophants fade off into the sunset, its ascendancy as a law enforcement tool will be replaced by new strategies on how to rid ourselves of what matters the most, [the more serious crimes].*"

On the other hand, a keynote speaker at Portland's near-annual National Community Policing Conference has a different view of the role of police. Jane Braaten, a police staffer who organizes the conferences, wrote a letter to the January *Rap Sheet* defending comments made by "Former Superintendent Chris Braiden" which were reported in the *Oregonian*.

Apparently, Braiden said, "*Peace is a destination, the law is one of my tools.*" He then quoted a Los Angeles sergeant who said "*I am in law enforcement, and the key word is force.*" Braiden took issue with the sergeant, stating, "*I was a peace officer and the key word was peace. I have used force many times to gain peace, but force is a function and peace is a destination.*"

The words seem right—an emphasis on peace, but to use force to gain peace? We're sure the people who have been beaten, sprayed, and shot by police will appreciate that they attained peace through state-sanctioned violence.



WEANED FROM THE FEDERAL SOW

PPB retiree Duke Smith complains that Community Policing is getting too much money from the "Federal Sow."

OH, THOSE NUTTY GANGSTAS, WHAT WILL THEY THINK OF NEXT

An uncredited article in the January* Rap Sheet *says "gang members" have new ways to trip up cops. These "gangsta" tricks include: pretending to reach for a weapon when they don't have one so the officer will take cover or back away while the criminal escapes; "causing" patrol cars to crash into the backs of their vehicles and deploying the air bags; and applying LSD to the door handles of police cars. We certainly don't advocate any of these activities, but it's interesting to picture the look on the face of an officer high on acid after opening his car door.

FURTHER EVIDENCE ALLEGED COP-KILLER STEPHEN DONS MAY NOT HAVE COMMITTED SUICIDE WHILE IN POLICE CUSTODY

Rap Sheet editor Loren Christensen used his editor's column in the January issue to talk about Eufronio Hernandez, the convicted killer of Officer Thomas Jeffries. He complains that Jeffries' mother and the *Oregonian* implied that Hernandez' life sentence "closed a chapter" in their lives. Christensen wrote, "*There are some people who would prefer to see the man breathe in a little cyanide.*"

RETIRED COP RAP SHEET EDITOR NEEDS COPWATCH TRAINING

In the February editor's column, Christensen, who retired from the force in late 1997, tells a long story about how he watched a security guard chasing someone through the streets near a Fred Meyer store. Christensen pulled his car over, joined the chase, and helped put the suspect in a martial-arts armlock. Then, when it turned out that the several security guards involved had no idea why the civilian was being chased, Christensen relaxed his hold, and swore he would never get out of his car again to help. Too bad he didn't ever take Copwatch training, in which we instruct copwatchers that when they come upon a scene, they should never assume right away whether the officer or the civilian is at fault, and not to make any judgment until you get a grasp of the entire situation.

The* Rap Sheet *can be obtained from the Portland Police Association, 1313 NW 19th, Portland, OR 97209.

POLICE CHARITY FOR CORPORATIONS: McCOP NIGHT AND RED LOBSTER TIPS FOR SHERIFFS

In February, two of the largest restaurant chains in the world got free publicity by "helping" Portland-area police agencies raise money for charity.

On February 3, Portland Police helped "sling burgers" at the McDonald's on SE Powell Boulevard, ostensibly to raise money for several charities including the Police Athletic League. Putting aside the inherent endorsement of meat-eating (many of us at Copwatch are vegetarians), the sight of Portland's finest running around a fast-food restaurant made for great public relations. But the logos and practices of the charities (who were to receive 10% of the money earned at that one restaurant in the few-hour period) were nowhere to be seen. Only McDonald's and the cops made it onto TV, making people feel that giving money to the largest chain in the world is good for society. McDonald's reports that the cash generated from their 1998 operations totaled $2.8 billion; their website boasts that they are "*the world's largest global foodservice retailer, with nearly 25,000 restaurants serving over 40 million people each day in 115 countries.*"

In a similar program, Red Lobster had Multnomah County Sheriff's deputies busing tables to raise money as part of their "Tip-A-Cop" program, which raises money for the special Olympics. In this case, the charity itself is thankfully not police-related—but the focus of the piece we saw on KPTV-12 was Red Lobster. Red Lobster's website pronounces that they are the "*largest full-service dinnerhouse chain*" in North America, with "*sales for the fiscal year ending May 25, 1998, exceed[ing] $1.9 billion.*"

It's bad enough that on-duty, it is the function of police in this society to further the interests of multinational corporations; it's too bad that when they want to try doing some good for their community as volunteers, they still fulfill that function.

For more about McDonald's and other corporate ties to law enforcement, see* People's Police Reports *# 10-13

POLICE BRUTALITY ACROSS THE NATION

Activists, Executive Branch express concern

A coalition of minority and religous leaders have asked President Clinton to take action against police brutality. Routine harrassment of minorities, discriminatory policies such as racial profiling at borders, customs or on streets, and improper use of deadly force were specific problems cited (Reuters, 2/25/99).

The coalition called for investigative panels with subpoena powers, more detailed background checks, civilian review boards at state and local levels and witholding federal funds from departments with high rates of police violence.

Janet Reno plans to meet with the coalition, and has said that she sees this as "a very serious problem" (Associated Press, 2/26/99). However, during her tenure as DA in Miami, she only prosecuted one officer for a racist killing. Similarly, although it is important to raise this issue, expecting Clinton to do something concrete about it is perhaps shortsighted, given his record. Michael Novick of People Against Racist Terror in Los Angeles points out that Clinton's policies are responsible for hiring 100,000 new officers, militarizing the Mexican border, using military forces in the domestic "drug war", providing military equipment to police forces, and deferential treatment of police unions.

In President Clinton's March 13 radio address, he claimed that "*police officers who break the law should be prosecuted.*" While we fully agree, Clinton's posturing relies on the "few bad apples" argument and ignores that it is the function of police in society to protect the racist upper classes, and therefore violence against people of color and the poor is systemic rather than aberrant.

While the coaltion emphasizes brutality is a national problem, the demands come in the wake of recent incidents of unarmed minorities being killed by police in Riverside, Pittsburgh and New York.

Detroit has also seen numerous deaths. In late 1998, members of the community demanded and were granted a public City Council hearing on police brutality (Pan-African News Wire, 12/12/98). We have no word on the Council's promised February response.

The Center for Constitutional Rights plans a national rally April 3 in Washington, DC.

Police Fire 41 Shots, and an Unarmed Man Is Dead

Slain Man Is Remembered As Shy and Hard-Working

Immigrant shot 41 times by NYPD

On February 4, four plain-clothes officers in New York killed an unarmed Guinean immigrant, Amadou Diallo. Two officers emptied 16 shot semiautomatic pistols, and the other two officers fired four and five times, totalling 41 bullets fired in a few seconds, 19 of which hit. The officers said they feared Diallo was wearing a bulletproof vest. This does not explain why they opened fire in the first place, as Diallo was merely standing in the doorway of his apartment building. One official speculated that the officers thought Diallo's pager was a weapon. The four officers were all part of the Street Crimes unit, and part of a department in which 90% of all officers never fire their weapons. However, three of these officers have been involved in previous shootings, one of which is still under investigation.

Diallo, 22, was described as a pious Muslim and hardworking street salesman. (*New York Times*, 2/5/99). Former Mayor David Dinkins, Congressman Charles Rangel, other notable individuals, and scores of activists have been arrested at protests over Diallo's killing, which have been going on nearly every day.

NATIONAL LAW, STATE-WIDE BILL SUPPORT OFFICER FAMILIES AFTER ON-DUTY DEATHS

Two pieces of legislation, one national and one local, seek to help the families of police officers who die in the line of duty.

The national bill, passed in November 1998, makes "spouses and children of slain police, firefighters, correctional officers and rescue workers...eligible for college scholarships of about $4,800 a year" (Associated Press, 11/13/98). The legislation expands a 1996 law which gave benefits to families of federal law enforcement officers who died doing their jobs.

Closer to home, Vicki Jeffries, whose husband Officer Thomas Jeffries was killed by a fleeing suspect in 1997 (see PPR #12), testified before the Oregon State Legislature on February 2 in favor of a similar bill. According to the February 3 Oregonian, House Bill 2391, the "Fallen Officer Bill," would establish a Public Safety Memorial Fund by adding $2 to each fee imposed on convicted felons. They estimate the fund will generate a half million dollars a year.

"Benefits for surviving spouses and children would include a one-time $25,000 cash payment within three days of the death, paid health and dental insurance premiums and four-year college scholarships. The fund would pay off mortgages if no insurance exists. Benefits also would go to families of officers who are seriously injured and unable to work."

We have no problem with the idea of society pitching in to help people who have lost family members. We wonder, though, what sort of support will be offered to the families of police shooting victims.

For more info on victims of police violence, check out the Stolen Lives Project: October 22nd Coalition c/o KHL inc., Box 124, 160 First Ave, New York, NY 10009; (212) 477-8062.

"The People's Police Report," *is published three times a year by* ***Portland Copwatch/ POPSG),*** *a civilian group promoting police accountability through citizen action, and its affiliate Reed Copwatch. (Portland Copwatch is a project of Peace and Justice Works, a tax-exempt educational organization.)*

For our ***"Proposal for an Effective Civilian Review Board"*** *send $3.00 to* ***Portland Copwatch, PO Box 42456, Portland, OR 97242. Subscribe to the PPR for $10 a year****, or to order extra copies or back issues, send $1.00 per issue.*

Letters/submissions welcome.

For a full list of credits, see the print version of this newsletter.
Web version created 6/24/15

Call us at (503) 236-3065 for more info; report incidents with the police or Sheriff's deputies to the Copwatch Info Line at (503) 321-5120.

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COPS VERSUS NEWS COPTERS

The rantings of Police Chief Moose and others about the interference by news helicopters in the Stephen Dons incident have surfaced again. The January, 1998 fiasco led to an agreement by local news stations that they would voluntarily remain 1000 feet away from police actions (see *PPRs* #14 & 15). Now, police around the state are pushing legislation which would codify this proposal, as well as prohibiting live broadcasts of police action. On February 9, Liz Cruthers of the Oregon Council of Police Associations testified in Salem to support such a bill.

The Oregonian

B METRO

CLOSE-UP: Experts on parenting take sides when it comes to toilet training/B4

Police want to pull plug on live broadcasts

Live TV coverage angers city, police officials

Fortunately, the mainstream media people actually recognize this as an infringement on freedom of the press and argued vehemently against the bill. Most interesting is that reactionary radio talk show host Lars Larson was livid when he heard that the person introducing the bill, Kevin Mannix of the House Judiciary, had considered putting in a clause requiring that TV stations screen any footage they planned to show with police before airing it. While Mannix backed down and said they had removed that part of the bill, it is clear that the police would have been happy to take on the role of government censors.

Just as a reminder, the news media showed up to the Dons incident AFTER three officers were shot, and their presence, dissuading police from acting atrocioiusly on camera, is probably what led to Dons being taken from the scene alive, rather than dead.

The "Your Rights and the Police" card will return in our next issue

RAPPING BACK

Portland Copwatch analyzes info in the Police "Union" Newsletter, the *Rap Sheet*

Sharing Seemingly Shocking Stories of Seasoned Safety Supervisors

POLICE ASSOCIATION: COP OFFENDERS PUNISHED DIFFERENTLY--IS IT RACIAL?

In the January issue of the Portland Police Association (PPA)'s newsletter, the *Rap Sheet*, Secretary-Treasurer Tom Mack expresses his opinion that the Chief's office is inconsistent at doling out punishment.

For instance, Officer Rodriguez (who is not named by Mack) was almost terminated for being untruthful, but he was reinstated after the PPA stepped in. (Our understanding is that Officer Rodriguez radioed in as unavailable while he was visiting a strip club.) However, Mack says two other such incidents have occurred and there's been no action from the police. A reporter tells us he may be referring in one instance to the case of an officer Ellison, who we understand claimed to have been hit by a civilian car in a hit-and-run when he acutally backed his car into a light pole. The fact that Ellison is African-American makes us think Mack is implying Moose is lenient on black officers.

Mack goes on to complain about: "*use-of-force complaints generated by the bureau, not a citizen, with one member being criminally investigated while another is not; horseplay among grown men resulting in [job schedule changes] for one and comments from the chief challenging the truthfulness of the witness statements given; allegations from career criminals against officers resulting in criminal investigations; allegations from intoxicated suspects which are clearly lies, resulting in lengthy investigations which cleared the members of any wrongdoing and also invaded our members family's privacy [sic].*" We're still trying to figure out what these cases are all about, especially the criminal investigations. (We are also told that one of the officers not punished for the "horseplay" incident, whatever that was, was also black.)

This crudely-drawn cartoon is from the* Rap Sheet*'s regular illustrator (Feb. '99). The Internal Affairs officer is asking the suspect cop, "Don't you realize, it's wrong to treat citizens the way we treat you?" We guess that Internal Affairs must be beating, pepper-spraying and shooting police who come in for interviews.

While we won't comment on the racial disparity subtext, we will commend Mack for his analysis: "*This current regime has several lawsuits pending against it, has settled others, and seems to have more on the way. Doesn't this concern city commissioners or the taxpayers?*" Of course it does, Tom. That's why we hope officers will stop acting in such a way as to bring these lawsuits upon the city.

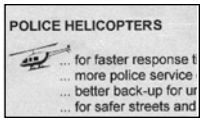
COMMUNITY POLICING: WAR AND PEACE

In the December *Rap Sheet*, retired officer Duke Smith writes on "*Flower Power in the Crime War.*" Duke's thrust is that Community Oriented Policing (COP) focuses too much on getting out of the car and doing something. He goes on to defend how much of police work has to be done from behind the wheel of a police car, from traffic stops to preventing accidents.

He thinks that Community meetings focus on petty crimes and that crimes like murder, rape, robbery and arson are ignored. Duke's proposed solution:

(continued on p. 10)

HELLA COPTER UPDATE



One of our concerns about the Portland Police's campaign to get a helicopter (see *PPR* #15) is the ever-increasing militarization of the police, and the escalation of the intimidation of lower-income neighborhoods by what is seen as an occupying force. What we have learned now only strengthens our point that the police are too militaristic: In the January, 1999 *Rap Sheet*, Sgt. Steve Larsen of the Air Support Unit reports that the Department of Energy has offered two fully-equipped helicopters if the Portland Police Bureau agrees to "*assist in any terrorist act [which] occurs in the Northwest.*" Despite the horribly written sentence which implies the police will be engaging in acts of terrorism (confirmed by Larsen's follow-up sentence, "*As we all know, if a terrorist act occurs in the Pacific Northwest, we will be involved whether we have a helicopter or not.*"), this proposal sends up numerous warning signals. First, the Department of Energy is not specifically charged with civil defense—but they are in charge of the security of the country's nuclear and other energy programs. The DOE's offer to the PPB includes the use of a training facility at Hanford Nuclear Reservation in Washington state. Second, the implied collaboration of Federal Government military and local police within U.S. borders underscores the movement of the U.S. towards a military police state.

Despite the lure of free equipment, Larsen recommends against getting donated equipment in favor of buying new equipment, and putting the money in for maintenance and support. He suggests that a helicopter should be in the air all day from 8AM til 2AM and on call in the off-hours, with a projected staffing and operating costs of about $1.5 million a year.

Portland Copwatch/POPSG
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